

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GREGORY WEISS, *on behalf of himself and the Class*

Plaintiff,

vs.

Case No.: 1:20-cv-08090-JMF

Oral Argument Requested

STARR RESTAURANT ORGANIZATION, LP
d/b/a STARR RESTAURANTS, BUDDAKAN NY,
L.P. d/b/a BUDDAKAN, HAVATEQUILA
RESTAURANT PARTNERS, LLC d/b/a EL VEZ,
ERY NORTH TOWER RHC TENANT LLC d/b/a
ELECTRIC LEMON, DR. HOWARD DR. FINE,
LLC a.k.a. HOWARD FINE LLC d/b/a LA
MERCERIE, MOE LARRY CHEESE, LLC d/b/a LE
COUCOU, MORIMOTO NY VENTURE, L.P. d/b/a
MORIMOTO, TRAIN DESIGN, LLC d/b/a PASTIS,
SUR ORGANIZATION, LLC d/b/a THE
CLOCKTOWER, 26TH STREET RESTAURANT,
LLC d/b/a UPLAND, SRHG WEST, LLC d/b/a
VERONIKA, STEPHEN STARR, ALLAN DOMB,
DAVID ROBKIN, and JENNIFER ROBKIN

Defendants.

**NOTICE OF THE NON-EMPLOYER DEFENDANTS' AND DEFENDANT STEPHEN
STARR'S MOTION TO DISMISS**

PLEASE TAKE NOTICE, that upon the Memorandum of Law in Support of Defendants Havatequila Restaurant Partners, LLC; Ery North Tower RHC Tenant LLC; Dr. Howard Dr. Fine, LLC; Moe Larry Cheese, LLC; Morimoto NY Venture, L.P.; Train Design, LLC; Sur Organization, LLC; 26th Street Restaurant, LLC; and SRHG West, LLC (the "Non-Employer Defendants"), together with Defendant Stephen Starr, Motion to Dismiss Plaintiff's First Amended Class Action Complaint, dated December 22, 2020; and all of the pleadings and proceedings heretofore had herein, the Non-Employer Defendants and Defendant Stephen Starr, by their attorneys, Littler Mendelson, P.C., will make a motion before the Honorable Jesse M.

Furman at the United States District Courthouse, Southern District of New York, 40 Centre Street, Room 2202, New York, NY 10007, on a date and time to be scheduled by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing all claims asserted against the Non-Employer Defendants and Defendant Stephen Starr in this action and for such other and further relief as the Court may deem just and proper.

Dated: January 12, 2021

/s/ Eli Z. Freedberg

Eli Z. Freedberg
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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Notice of Motion Of Non-Employer Defendants' and Defendant Stephen Starr's Motion To Dismiss* has been filed via the electronic filing system on January 12, 2021. Notice of filing will be performed by the Court's electronic filing system, and Parties may access the document through the electronic filing system.

/s/ Eli Z. Freedberg

An Attorney for Defendants